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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/070,867	03/12/2002	Maria Giuseppina Martini	IT 010006	2617

7590

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EXAMINER

WAMSLEY, PATRICK G

ART UNIT

PAPER NUMBER

2819

DATE MAILED: 05/22/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.
10/070,867

Applicant(s)
Martini et al

Examiner
Patrick Wamsley

Art Unit
2819



-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE three MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on Mar 19, 2003
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-13 is/are pending in the application.
- 4a) Of the above, claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-13 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claims _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☒ All b) ☐ Some* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____
* 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
*See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____ 6) ☐ Other: _____

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DETAILED ACTION

Priority

1. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

Drawings

2. The proposed drawing correction filed on 03/19/2003 has been approved.

Specification

3. The specification has not been checked to the extent necessary to determine the presence of all possible minor errors. Applicant's cooperation is requested in correcting any errors of which applicant may become aware in the specification.

Claim Rejections - 35 U.S.C. § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 C.F.R. 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(f) or (g) prior art under 35 U.S.C. 103(a).

6. Claims 1-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over the MPEG-4 article by Koenen, hereafter Koenen, in view of U.S. Patent 3,996,558 to Heun, hereafter Heun.

For claim 1, Koenen teaches that standard MPEG encoding involves a method comprising the steps of encoding partitions with different error protection techniques [error resilience tools], such as resynchronization, data recovery, and error concealment. For claim 6, the length

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information is used during a decoding process. Claims 8 and 9 respectively restate the method limitations of claims 1 and 6 in apparatus format. Claims 10 and 11 describe the encoders and decoders of claims 8 and 9 respectively as transmitters and receivers. Claims 12 and 13 describe the claimed material in the form of a coded data stream.

However, Koenen lacks the addition of partition length data to a data stream during an encoding process. In contrast, Heun clearly teaches this element in the context of data on magnetic tape. Heun's partition head [25] includes partition length data [col. 2, lines 42-43]. Heun's teachings are germane to the encoding process of the instant invention, because data structures can be recorded on many media, such as magnetic tapes, transmitted, received, and otherwise manipulated. At the time of the invention, it would have been obvious to one of ordinary skill in the art to have applied Heun's teachings to Koenen. The motivation would have been to more easily detect errors, as suggested by Heun.

For claims 2 and 3, Heun's partition lengths would have been recorded before and after encoding, depending upon which coding technique was employed.

For claim 4, Koenen provides a resynchronization marker [Page 33]. In the combination, partition length information would have logically been placed before it, in order to distinguish specific partitions from each other, thereby cooperating with other header information. Also, note that the partition gap on Heun's tape provides resynchronization [col. 2, line 25].

For claim 5, Koenen provides markers for higher-robustness words, related to the number of layers used for decoding and reconstruction.

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For claim 7, Heun's partition length information would have been deleted after decoding, as it would have served its function, and would have unnecessarily expanded the decompressed signal.


Response to Arguments

7. Applicant's arguments with respect to claims 1-13 have been considered but are moot in view of the new grounds of rejection.

Conclusion

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. U.S. Patent 6,490,376 to Au et al describes the use of real and virtual line segments for run length encoded data. U.S. Patent 5,822,142 to Hicken defines partition lengths by converting logical block addresses to physical locations, thereby identifying bad sector errors. U.S. Patent 5,559,778 to Inokuchi et al determines the position of the end of a previous recording segment, thereby defining partition length.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Patrick G. Wamsley whose telephone number is (703) 305-3504. Send facsimiles to (703) 308-6251.


Patrick G. Wamsley
May 16, 2003